IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WP(C).No. 15563 of 2007(C)

PETITIONER:

THE PERUMBALAM SERVICE CO-OPERATIVE BANK LTD NO.46, PERUMBALAM P.O., CHERTHALA, ALAPPUZHA DISTRICT, REPRESENTED BY ITS PRESIDENT ARAVINDAKSHAPANICKER T.V.

BY ADV. SRI.P.V.BABY

RESPONDENTS:
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1. **THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), CHERTHALA.**

2. **THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), ALAPPUZHA.**

3. **THE KERALA STATE CO-OPERATIVE ELECTION COMMISSION, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER (SHRI P. N. SANTHOSH)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 15563 OF 2007 C

Dated this the 29th May, 2007

JUDGMENT

Case of petitioner, in brief, is as follows:

Petitioner is a Co-operative Bank. The period of the present Board of Management is to expire on 24.6.2007. A decision was taken to conduct election on 17.6.2007. Apparently, the requisition was forwarded to the Joint Registrar instead of third respondent Commission. It was a bonafide mistake, it is stated. Thereafter, the correct requisition was made to third respondent. It is stated that till date, no Notification was issued as requested in Ext.P1 by the third respondent. The attempt of respondents 1 & 2 is not to conduct the election and after delaying the matter and after expiry of the term of the Managing Committee, it is the case of petitioner that an Administrator will be appointed.

2. Heard the learned counsel for petitioner and the learned Government Pleader. Learned counsel for petitioner has also

made available the Minutes Book. It would appear that the contention of the petitioner that the resolution was passed on 13.4.2007, is borne out by the Minutes Book. Learned Government Pleader is unable to dispute this position. It is also the case of the petitioner that the requisition was made to third respondent on 17.4.2007 and it was received on 21.4.2007. This position is also not refuted by the Government Pleader. If that is so, there is no reason why the election should not be held in accordance with law, on the basis of the resolution taken by the Society. The Writ Petition is, therefore, disposed of directing the third respondent to issue the necessary Notification for conduct of the election as expeditiously as possible.

K. M. JOSEPH, JUDGE

kbk.